

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

127

CR-11-2024 (O&M)

Date of Decision : 08.01.2024

M/S SUPREME SUPPLY CENTRE & ANR.

.... Petitioners

VERSUS

GURMINDER SINGH

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anish Setia, Advocate for the petitioners.

ALKA SARIN, J. (ORAL)

1. This is a petition under Article 227 of the Constitution of India challenging the order dated 01.12.2023 passed by the learned Civil Judge (Junior Division), Jalandhar.

2. The brief facts relevant to the present *lis* are that the respondent (landlord herein) filed an ejectment petition under Section 13 of the East Punjab Rent Restriction Act, 1949 (hereinafter referred to as 'Punjab Rent Act') for ejectment of the petitioners herein from property being Shop No.1 measuring 6 ft. x 14 ft. (ground floor). The ejectment was sought on the ground of arrears of rent as well as for *bonafide* personal necessity. The ejectment petition was filed on 19.04.2021. Thereafter written statement was filed by the petitioners herein and evidence was led. When the case was fixed for rebuttal evidence, an application was filed under Order 6 Rule 17

CPC for amendment of the written statement. The ground taken in the application was that when a new counsel was engaged, he pointed out that there was no reply which has been given to the averments made in para No.4(e), (f) and (g) and hence the petitioners sought permission to amend the written statement to the extent of introducing replies to para No.4(e), (f) and (g). The said application was dismissed vide impugned order dated 01.12.2023 holding that the application had been moved at a belated stage. It has also been noticed in the order that the arguments in the main petition had partly been addressed.

3. Learned counsel for the petitioners would contend that the amendment is necessary as it was only when the new counsel was engaged that he pointed out that there was no denial to the averments made in para No.4(e), (f) and (g). It is further the contention of the learned counsel for the petitioners that the petitioners do not intend to lead any evidence and intend only to introduce the reply to the said paragraphs in the written statement.

4. Heard.

5. In the present case the written statement was filed by the petitioners herein in May 2021. Thereafter, when the matter was fixed for rebuttal evidence, on 23.10.2023 the application was filed for amendment of the written statement under Order 6 Rule 17 CPC. The only ground for amendment is that there was no denial to the averments made in para No.4(e), (f) and (g) and infact there was no reply to the said paras.

It is trite that the law regarding amendment of written statement is more liberal than averments of the plaint, however, the amendment now sought at a belated stage cannot be permitted. Furthermore, the amendment

now sought seeks to fill in the lacuna in the written statement filed by the petitioners herein.

6. In view of the above, I do not find any merits in the present petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

08.01.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO